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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,873

03/31/2004

John Patrick Costello

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EXAMINER

RODGERS, PATRICK G

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,873	<b>Applicant(s)</b> COSTELLO ET AL.	
	<b>Examiner</b> PATRICK G. RODGERS	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12 July 2004 and 13 June 2005</u> .                           | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This Office action is regarding application 10/813873 filed March 31, 2004. Claims 1-24, originally filed, are currently pending and have been given consideration below.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 5, 7-8, 11-13, and 22 rejected under 35 U.S.C. 103(a) as being obvious over Brandon et al. (US Patent No. 5766389) and further in view of Yeo (US Patent No. 5503076).

Regarding claim 1, Brandon teaches, a method of printing a moving substrate comprising: supplying a moving substrate (figure 5, moving substrate '66,') to a first converting operation (figure 5, moving substrate '66,' and column 2, l 24-32, and column 13, l 15-19);

printing (column 12, l 25-27) at least one first graphic on the moving substrate (figure 1, registered graphic '38');

supplying the moving substrate with the first graphic (registered graphic '38') to a second converting operation (column 2, l 32-35); and printing (column 12, l 25-27) at least one second graphic on the moving substrate [column 6, l 49-51, (a plurality of distinct and separate graphics)].

Brandon fails to objectively teach, but Yeo discloses, wherein contact printing utilizes a gravure printer, flexographic printer, offset printer, or screen printer (column 10, l 46-48, flexographic printing press) and wherein the non-contact printing utilizes a wax jet printer, ink jet printer,

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laser jet printer, or bubble jet printer (column 9, l 7-10). Insofar as the combined references are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art to have modified the method of printing a moving substrate as taught by Brandon, to include contact and non-contact printing as taught by Yeo, in that it is well known and conventional in the printing art to use contact printing such as the flexographic printing press (column 10, l 46-48) and non-contact printing such as ink jet printing equipment (Yeo, column 8, lines 49-52).

Regarding claims 2 and 3, Yeo teaches, wherein the contact printing utilizes a gravure printer or flexographic printer (column 10, l 46-48, flexographic printing press) and wherein the non-contact printing utilizes an ink jet printer (column 9, l 7-10).

Regarding claim 5, Yeo teaches, wherein the moving substrate is traveling at least 100 feet per minute during the non-contact printing (column 10, l 41-42, and column 9, l 7-10, (ink jet printing)).

Regarding claims 7 and 8, Brandon teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover (column 11, l 20-28, outer cover '34') of the articles (column 4, l 43-55 and column 12, l 47-58), and the moving substrate forms a bodyside liner or an absorbent of the articles (figures 3 and 4, absorbent pad '32').

Regarding claims 11-13, Brandon and Yeo teach the limitations for the method of claim 1, and Yeo discloses, wherein the substrate is a laminate comprising a film layer (column 10, l 39, polyethylene film) and a nonwoven layer (column 10, l 40-41, polypropylene spunbonded web) and the first graphic is printed on the film layer and the second graphic is printed on the nonwoven layer (column 8, l 42-48); and

wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the nonwoven layer and the second graphic is printed on the nonwoven layer (column 3, l 33-43); and

wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the film layer and the second graphic is printed on the film layer (figure 2, adhesive inks '16,' figure 3, and example 1, column 10, l 39-49).

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Insofar as Brandon and Yeo are analogous arts from the same field of endeavor of absorbent article processing and graphics it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method as taught by Brandon to include printing the first and second graphics on either or both the film layer or the nonwoven layer, whichever is desired by the manufacturer, distributor, or customer. This would have been an obvious adjustment to one of ordinary skill in the art at the time of the invention to create variation within the final absorbent article product produced.

Regarding claim 22, Brandon teaches a method of distributing customized products to different customers comprising: supplying a moving substrate (figure 5, moving substrate '66,') to a first converting operation (figure 5, moving substrate '66,' and column 2, l 24-32, and column 13, l 15-19);

printing at least one first graphic on the moving substrate, the first graphic being substantially uniform to all customers (figure 1, registered graphic '38'); supplying the moving substrate with the first graphic (registered graphic '38') to a second converting operation (column 2, l 32-35); and printing (column 12, l 25-27) a plurality of second graphics on the moving substrate, the plurality of second graphics being customized for specific customers (column 6, l 50-51, (a plurality of distinct graphics)). The examiner notes that it would be obvious to one of ordinary skill in the art at the time of the invention to modify Brandon's method in order to customize the distinct plurality of graphics for specific customers, and to distribute the substrate to customers. This would have been obvious to one of ordinary skill in the art since it is extraordinarily well known to customize and distribute products to meet specific customer needs and therefore produce a more profitable and marketable product.

Brandon fails to teach, but Yeo teaches, contact printing (column 10, l 46-48, flexographic printing press) and non-contact printing (column 9, l 7-10).

4. Claims 14-17, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo (US Patent No. 5503076) and further in view of Olson et al. (US Patent No. 6297424).

Regarding claim 14, Yeo teaches, a method of printing an outer cover for an absorbent article, comprising:

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supplying a moving first substrate (column 10, lines 41-42, (100 feet per minute) to a first printing operation, the first moving substrate comprising a film (column 10, example 1, lines 39-49);

contact printing at least one first graphic (figure 3) on the first moving substrate in the first printing operation using a gravure roll printer or flexographic printer (column 10, l 47 and column 9, lines 1-6);

laminating a second moving substrate (figure 2, facing layer '12') to the first moving substrate to form an outer cover (figure 2, composite '10'), the second moving substrate comprising a nonwoven web and the outer cover defining a width (column 2, l 42-48);

supplying the outer cover to a second printing operation [column 8, l 42-48, (to apply one or more of the inks to the facing layer in addition to or in lieu of the substrate layer), (the examiner interprets the 'in addition to' as indicating that Yeo teaches applying the printing operation (inks) to the outer cover (composite '10') as well as to the substrate layer '14' if such is desired) and column 12, claim 1, lines 10-11 (sequentially printing a second colored adhesive ink onto a surface of a fibrous nonwoven web facing layer), and column 3, lines 33-43)];

non-contact printing at least one second graphic [figures 1 and 3, (the examiner notes that several different graphics (moon, star, sun, duck, music note, etc.) are present in figure 3)) on the outer cover in the second printing operation using an ink jet printer (column 9, lines 7-10, (ink jet printing)); and joining the outer cover with an absorbent and a liner to produce an absorbent article (column 3, l 44-60).

Yeo fails to objectively disclose, but Olson teaches, the first graphic spanning at least 60% of the width of the outer cover and being visible to the naked eye, the second graphic being positioned within the center third of the width of the outer cover and being visible to the naked eye (Olson, figures 5 and 6, clearly indicate several graphics ('92,' '94,' '96,' and '100') which span at least 60% of the width of the outer cover and being visible to the naked eye);

Insofar as Yeo and Olson are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method as taught by Yeo to include the method as taught by Olson of allowing the first graphic to span minimally 60% of the width of the outer covering. This would have been an obvious adjustment to one of ordinary skill in the art in order to permit

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better visibility of the graphic for the wearer and to improve appearance of the absorbent article. Regarding claims 15 and 16, Olson teaches, wherein the absorbent article has a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, and the second graphic is positioned within the front waist region or the back waist region (figures 5 and 6).

Regarding claim 17, Olson teaches, wherein the absorbent article has a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, further comprising two or more second graphics, at least one second graphic positioned within the front waist region and at least one second graphic positioned within the back waist region [figures 1-6, (the examiner notes that there are several graphics depicted within figures 1-6, it would be obvious to one of ordinary skill in the art at the time of the invention to position the graphics on either the front waist region, back waist region, or both according to the final appearance desired, as taught by Olson), (column 7, line 48 thru column 8, l 34, particularly column 8, lines 7-17)].

Regarding claim 21, Yeo teaches a method of printing an outer cover for an absorbent article, comprising:

laminating a first substrate comprising film to a second substrate comprising a nonwoven (column 10, example 1) to form an outer cover (figure 2, composite '10'), the outercover defining a film side (figure 2, facing layer '12'), a nonwoven side opposite the film side (figure 2, substrate layer '14') and a width (figures 1 and 2);

supplying the outer cover to a printing process and contact printing (column 9, l 1-6) at least one first graphic on the nonwoven side, supplying the outer cover to a converting operation, the converting operation combining the outer cover with an absorbent assembly to form an absorbent article (column 3, lines 44-60); Yeo teaches non-contact printing (column 9, l 7-10). Yeo fails to teach, but Olson teaches at least one second graphic on the nonwoven side in the converting operation, the first graphic spanning at least 60% of the width of the outer cover and being visible to the naked eye, the second graphic being positioned within the center third of the width of the outer cover, and both first and second graphics being visible to the naked eye (Olson, figures 5 and 6, clearly indicate several graphics ('92,' '94,' '96,' and '100') which span at least 60% of the width of the outer cover and being visible to the naked eye);

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Insofar as the combined references are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method as taught by Yeo to include the method as taught by Olson of allowing the first graphic to span minimally 60% of the width of the outer covering. This would have been an obvious adjustment to one of ordinary skill in the art in order to permit better visibility of the graphic for the wearer and to improve appearance of the absorbent article.

5. Claims 4, 6, 9, and 10 rejected under 35 U.S.C. 103 (a) as being unpatentable over Brandon et al. (US Patent No. 5766389) and Yeo (US Patent No. 5503076), according to claim 1, as referenced above, and further in view of Olson et al. (US Patent No. 6297424).

Regarding claim 4, Brandon and Yeo teach the limitations of claim 1, but fails to teach and Olson teaches wherein the first graphic and second graphic jointly form a story line (column 3, l 55-57).

Insofar as Brandon, Yeo, and Olson are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method as taught by Brandon and Yeo to include the method as taught by Olson of allowing the first graphic wherein the first graphic and second graphic jointly form a story line. This would have been obvious to one of ordinary skill in the art at the time of the invention, since it would encourage the wearer to progress in the toilet training program (Olson, column 4, l 33-35).

Regarding claims 9 and 10, Brandon and Yeo teach the limitations of claim 1, but fails to teach, and Olson discloses, wherein the second graphic at least partially overprints the first graphic (Olson, column 5, l 1-35); and wherein the first graphic and the second graphic jointly form a master graphic (Olson, figures 4-6). Insofar as the combined references are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method as taught by Brandon and Yeo to include the method as taught by Olson to include partial overprint of various graphics as depicted in figures 1, 5, and 6, if desired in order to create 'interactively interrelated' story lines (column 5, l 3) and to create a master graphic. This would



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have been obvious to one of ordinary skill in the art in order to promote toilet training progress for the wearer (column 4, l 27-40).

Regarding claim 6, Brandon and Yeo teach the limitations of claim 1, as referenced above, but fail to disclose, and Olson teaches, further comprising: printing at least one third graphic on the moving substrate, wherein at least a portion of the third graphic at least partially overprints the first graphic (column 5, l 1-35, (the examiner notes that it would have been obvious to one of ordinary skill in the art at the time of the invention to include partial overprint of various graphics as depicted in figures 1, 5, and 6, if desired in order to create 'interactively interrelated' story lines (column 5, l 3)). Brandon and Olson fail to teach, but Yeo teaches non-contact printing (column 9, l 7-10). Insofar as the combined references are analogous arts from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art to have modified the method of printing a moving substrate as taught by Brandon and Yeo, to include non-contact printing as taught by Yeo, in that it is well known and conventional in the printing art to use non-contact printing such as ink jet printing equipment (Yeo, column 8, lines 49-52).

6. Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al (US Patent No.5766389) and Yeo (US Patent No. 5503076) and further in view of Olson et al. (US Patent No. 6297424).

Regarding claim 18, Brandon teaches a method of minimizing substrate printing waste, comprising: supplying a moving substrate (figure 5, moving substrate '66') to a first converting operation (column 2, lines 24-32, and column 13, lines 15-19);

printing a plurality distinct graphics (column 6, l 50-51) on a moving substrate; supplying the moving substrate to a second converting operation (column 2, l 32-35);

Brandon fails to teach, but Yeo teaches, contact printing (column 10, l 46-48, flexographic printing press) and non-contact printing (column 9, l 7-10).

Brandon fails to teach, but Olson teaches, printing with absence advertisements (column 3, l 67, (advertising)) and at least partially overprinting second graphics on at least some of the absence advertisements, wherein a failure to print a second graphic on an absence advertisement results in the absence advertisement remaining visible on the substrate (Olson, column 5, l 1-35).

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Applicants' intended use of the graphic as an absence advertisement does not distinguish, absent further definition.

Regarding claims 19 and 20, Olson teaches joining the substrate to an absorbent and to a liner to form an absorbent article (figures 1-6, and column 1, line 62 thru column 2, line 2), the absence advertisement forming part of an interactive game or contest involving the user of the absorbent article (column 3, l 65 thru column 4, l 6, and column 5, l 55, 'text message');

further comprising joining the substrate with an absorbent and a liner to form an absorbent article, the absence advertisement conveying contact information to a consumer of the absorbent article (column 5, l 48-64).

Insofar as the references combined are analogous, from the same field of endeavor of absorbent article processing and graphics, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the references above to include the method as taught by Olson of printing with absence advertisements. This would have been an obvious improvement to one of ordinary skill in the art in order to promote product marketing and sales.

7. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. (US Patent No. 5766389) and Yeo (US Patent No. 5503076), according to claim 22, as referenced above, and further in view of Olson et al. (US Patent No. 6297424).

Regarding claim 23, Brandon and Yeo teach the method of claim 22, but fails to teach, and Olson discloses, wherein the customized second graphics being different languages for geographically differentiated customers (column 3, line 67 thru column 4, line 6, (particular culture)). Insofar as the combined references are analogous arts from the same field of endeavor of absorbent article processing it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the references such that the customized graphics being in different languages in order to market the absorbent product to a broader pool of potential customers.

8. Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. (US Patent No. 5766389) and Yeo, (US Patent No. 5503076), according to claim 22, as referenced above, and further in view of Casagrande (US Patent No. 6322655).

Regarding claim 24, Brandon and Yeo teach the limitations of claim 22, as referenced above, but fail to teach, and Casagrande discloses wherein the customized second graphics being different

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indicia for business customers [Casagrande, Abstract, l 1-7, (laminated article to be customized or personalized), column 9, l 23-35, and column 12, l 1-5, (carrier '33' may also be a planar sheet of polymeric material), (the examiner interprets a planar sheet of polymeric material to be equivalent and to form the same function as a nonwoven web or moving substrate material, furthermore it would be obvious to one of ordinary skill in the art at the time of the invention to modify Casagrande's method to be applied to a nonwoven web or outer cover material)]. Insofar as the combined references are analogous arts from the same field of endeavor of graphic and indicia application methods it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the references to include the business indicia graphic as taught by Casagrande in order to promote marketing of the final absorbent article product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick G. Rodgers whose telephone number is (571)270-5046. The examiner can normally be reached on M-F 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PGR

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791